

ATTACHMENT A

DEFAULT JUDGMENT PROCEDURE

1. Prepare an Order to Show Cause for default judgment and make the motion returnable before Judge Sullivan. Leave blank the return date, time and Courtroom number. Judge Sullivan will set the date and time when he signs the Order.
2. The following papers shall be annexed (not stapled) to the Order to Show Cause:
 - a. an attorney's affidavit setting forth:
 - i) why a default judgment is appropriate, including a description of the method and date of service of the original summons and complaint;
 - ii) whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of liability and/or damages prior to resolution of the entire action;
 - iii) the proposed damages and the basis for each element of damages including interest, attorney's fees, and costs; and
 - iv) legal authority for why an inquest would be unnecessary;
 - b. a proposed default judgment;
 - c. copies of all of the pleadings;
 - d. a copy of the affidavit of service of the original summons and complaint;
 - e. if failure to answer is the basis for the default, a Certificate from the Clerk of Court stating that no answer has been filed.
3. Take the Order to Show Cause with the attachments to the Clerk at the Cashier's window on the 1st Floor, 500 Pearl Street, for approval. If this is an ECF case, do not bring the Order to Show Cause to the Clerk at the Cashier's window. Instead, follow the procedure for filing Orders to Show Cause and default judgments for ECF cases.
4. After the Clerk approves the Order to Show Cause, bring the papers to Chambers 615, 500 Pearl Street, for the Judge's signature.
5. After the Judge signs the Order, make two conforming copies of the Order and the attachments. Leave one copy with the Judge, and serve one copy on the defendant.

6. Prior to the return date, file the original Order to Show Cause in the Clerk's office, Cashier's window, together with an affidavit of service on the defendant of a conformed copy of the Order. If this is an ECF case, however, file these materials according to the filing procedures for ECF cases.
7. Prior to the return date, take the proposed judgment, separately backed, to the Clerk in Room 120, 500 Pearl Street, and get the Clerks approval. The proposed judgment, including all damage and interest calculations, must be approved by the Clerk prior to the conference and then brought to the conference for the Judge's signature. If this is an ECF case, do not bring the proposed judgment to the Clerk. Instead, follow the procedures for filing default judgments.